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Notice of Allowability	Application No.	Applicant(s)	
	09/699,650	GASKE ET AL.	
	Examiner	Art Unit	
	Taghi T. Arani	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/3/2005.
2. ☒ The allowed claim(s) is/are 1-21 and 23-29.
3. ☒ The drawings filed on 30 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>7/26/04, 10/15/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|---|


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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DETAILED ACTION

1. Claims 1-21 and 23-29 have been examined.

Claims 1-21 and 23-29 are allowed over prior art of record.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Keith R. Jarosik on 4/6/2005.

Cancel claim 22.

3. **Replace claims 1, 8, 19 and 26 with claims 1, 8, 19, 23 and 26 below.**

1. (Currently Amended) An apparatus for performing background caching of encrypted programming for later playback, comprising:

a memory operatively connected to a bus for storing received, encrypted digital data packets of at least one pay-per-view (PPV) event;

a processor for decrypting the data packets when they are transferred by the memory via the bus; and

a decoder for decoding the decrypted data packets for display on a display device, wherein the apparatus is adapted to search a program guide to find upcoming PPV events, and, to select at least one PPV event for recording without instruction from a user, and when the PPV event begins, the apparatus tunes to an appropriate transponder to begin

Art Unit: 2131

receiving the encrypted digital data packets ~~wherein the apparatus searches and caches the~~
data packets of the selected at least one PPV event when in a power-down mode, and plays
back a recorded PPV event in a power-up mode upon selection by the user.

8. (Currently Amended) The apparatus according to claim 6, wherein the host
processor searches a the program guide to find the upcoming PPV events, ~~and, when the~~
~~PPV event begins, the apparatus tunes to an appropriate transponder to begin receiving the~~
~~encrypted digital data packets.~~

19. (Currently amended) A method for background caching encrypted
programming for later playback in a digital video recording (DVR) system, comprising:

storing received, encrypted digital data packets of at least one pay-per-view (PPV)
event in a memory;

time-stamping the received data packets upon reception;

decrypting the data packets when they are transferred by the memory via a bus; ~~and~~

decoding the decrypted data packets for display on a display device;

searching a program guide to find upcoming PPV events;

~~wherein the at least one PPV event is selected~~ selecting at least one PPV event for
recording without user instruction;

tuning the DVR system to an appropriate transponder when the selected PPV event
begins, to begin receiving the encrypted digital data packets; and

caching its corresponding data packets ~~are cached~~, when the DVR system is in a
power-down mode; and

wherein a selected PPV event is played back when the DVR system is in a power-up

Art Unit: 2131

mode, upon selection by the user.

23. (Previously presented) The method according to claim 19 ~~22~~, wherein the searching is performed by a host processor in the DVR system.

26. (Currently amended) A set-top box (STB) for performing background caching of encrypted programming for later playback, comprising:

searching means for searching a program guide to find upcoming pay-per-view (PPV) events received as encrypted data packets;

storing means for caching the received encrypted data packets for later playback; and

retrieval means for retrieving the data packets for display,

wherein the searching means searches a program guide for the at least one PPV event without user instruction and the storing means caches the data packets of the at least one PPV event received from the appropriately tuned transponder when the STB is in a power-down mode, and plays back a recorded PPV event when the STB is in a power-up mode.

Examiner's Statement of Reasons for Allowance

4. Claims 1-21 and 23-26 are allowed over prior art.

The following is an examiner's statement of reasons for the indication of allowable claimed subject matter.

Prior art of record directed to Blatter et al. (USP 5,933,500) teach an apparatus for performing background caching of encrypted programming for later playback.

Blatter et al. teach all limitations of claim 1 except "wherein the apparatus is adapted to search a program guide to find upcoming PPV events, and, to select at least one PPV event for

Art Unit: 2131

recording without instruction from a user, and when the PPV event begins, the apparatus tunes to an appropriate transponder to begin receiving the encrypted digital data packets

Brotz et al., US patent 6,374,404 teach an intelligent device having background caching of web pages within a digital television (DTV) system and method of the same (abstract).

Brotz et al.'s intelligent filter is used and modifies itself based on user behavior and user preferences in terms of the web pages that a viewer routinely visits.

None of the prior art of record, either taken by itself or in any combination, would have anticipated or made obvious the invention of the present application at or before the time it was filed. The subject matter regarded as allowable by the examiner is "the apparatus is adapted to search a program guide to find upcoming PPV events, and, to select at least one PPV event for recording without instruction from a user, and when the PPV event begins, the apparatus tunes to an appropriate transponder to begin receiving the encrypted digital data packets"

Claims 19 and 26 also recite similar features as claim 1.

Claims 2-18, 20-21, 23-25 and 27-29 are also allowed by virtue of their dependencies.

Conclusion

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

Art Unit: 2131

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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